

Remarks/Arguments

Claims 1-14 are pending in the application. Claims 1-14 are rejected.

Claim Rejections Under 35 USC § 102

Claims 1-14 are rejected under 35 USC 102(b) as being anticipated by Sprunk.

Applicant respectfully traverses this ground for rejection for the reasons given below.

Claims 1 and 8

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

Claims 1 and 8 recite, in part: "includes sequencing means which also constitute such a circuit section that can be fed with the supply voltage and are arranged to execute an algorithm in order to control the data processing means in conformity with this algorithm, which algorithm comprises a given number N of sub-algorithms which contain identical sequences of algorithm steps and can be executed in a given order each time when the algorithm is executed." The identical sequences of algorithm steps are detailed in the Detailed Description on page 6, line 33 to page 7, line 3, and identified throughout the Detailed Description as "program instructions CO1, CO2, ... COR", and shown in FIG. 2

The Office Action asserts in Para 3 that Sprunk discloses the same and refers to col. 2, lines 5-25 in support of this assertion. The Office Action further asserts in Para 10, providing "Sprunk does disclose this because the clock pulses are always modulated by a random number generator (see col. 2, lines 5-25)".

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Applicant finds no specific reference at col. 2, lines 5-25 to "algorithm comprises a given number N of sub-algorithms which contain identical sequences of algorithm steps", as provided by Applicant's claims 1 and 8.

It is presumed by Applicant that the Office Action is comparing the "clock pulses" which are subject to one of various timing delays found in Sprunk; with "sub-algorithms which contain identical sequences of algorithm steps, the sub-algorithms being executed in a given order" found in Applicant's claims 1 and 8. Applicant respectfully submits that these are not analogous. The "identical sequences of algorithm steps" are a plurality of program instructions that are executed in an identical sequence (see FIG. 2, among others). Applicant respectfully submits that a clock pulse is not the same as a sub-algorithm containing a plurality of identical sequences of program instructions.

The sequence of algorithm steps which are executed in the same order no matter the order of execution of any one of the N sub-algorithms, are program instructions, not a clock pulse. The program instructions are, therefore, executed while the order of execution of the sub-algorithms that comprise the program instructions remains practically unpredictable by external detection of the current peak patterns. (see page 10, lines 13-25).

For these and other reasons, Applicant respectfully submits that Sprunk does not teach each element of claims 1 and 8, and therefore, claims 1 and 8 are not anticipated by Sprunk. Reconsideration and allowance of claims 1 and 8 is respectfully requested.

Claims 2-7 and 9-14 are patentably distinct over Sprunk because they depend directly or indirectly from claims 1 and 8, respectively. Reconsideration and allowance of claims 1-7 and 9-14 is respectfully requested.

Claims 4 and 11

The Office Action asserts in Para 5 that Sprunk discloses a "storage means which co-operate with the sequencing means and in which the algorithm is stored in the form of a program which contains N program blocks as sub-algorithms containing program instructions as algorithm steps", and refers to col. 2, lines 50-63 in support of this assertion.

Applicant finds no specific reference at col. 2, lines 50-63 to the storage of programs or program instructions as provided by Applicant's claims 4 and 11.

Applicant respectfully submits that claims 4 and 11 are patentably distinct over Sprunk. Reconsideration and allowance of claims 4 and 11 is respectfully requested.

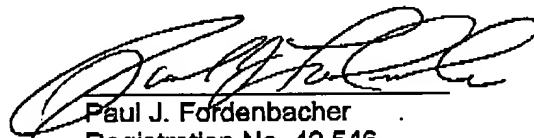
In view of the foregoing reasons for distinguishing over the cited reference, Applicant has not raised other possible grounds for traversing the rejections, and therefore nothing herein should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein.

CONCLUSION

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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